



BOARD OF BARBERING AND COSMETOLOGY
CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
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**Board of Barbering and Cosmetology
Hilton-San Diego Mission Valley
901 Camino del Rio South
San Diego, CA 92018**

MEETING OF THE BOARD OF BARBERING AND COSMETOLOGY

MINUTES OF SEPTEMBER 27, 2004

BOARD MEMBERS PRESENT:

Dr. Della Condon, President
Richard Hedges
Dr. Waddell Herron
Bonnie LaChappa
Frank Lloyd
Candice Pederson

STAFF MEMBERS PRESENT:

Terresa A. Ciau, Executive Officer
Albert Balingit, Staff Counsel
Kristy Underwood, Administrative Analyst
Kelly Schmidt, Staff

BOARD MEMBERS ABSENT:

Joe Gonzalez, Vice President
Kim McInnes
Angela Reddock

- **Agenda Item #1, CALL TO ORDER/ROLL CALL**

Dr. Condon called the meeting to order at 9:00 a.m. Members introduced themselves and briefly described their backgrounds.

Dr. Condon noted there were various students in the audience. They introduced themselves and their affiliations. Dr. Condon thanked them for attending the meeting.

Staff present introduced themselves.

Dr. Condon welcomed guest Nancy Hall, Deputy Director of Department of Consumer Affairs.

- **Agenda Item #2, PRESIDENT'S REPORT**

Dr. Condon thanked staff for processing the applications in an expeditious manner, reducing the backlog. Almost 11,000 exams were processed in a three month period of time.

Dr. Condon requested staff to provide a report that deals with access to the examination site in Glendale. She recently drove by the site and was concerned about a possible safety hazard with crowds standing outside.

Dr. Condon received a call from a man whose friend had purchased a Proof of Training from a school. The item is under investigation by staff. Dr. Herron commented this type of fraud is becoming a health safety issue.

- **Agenda Item #3, EXECUTIVE OFFICER'S REPORT**

- A. Workload Statistics**

- Ms. Ciau presented the workload statistics. She considered the two areas of Establishment Applications (now at May 2004) and regular applications (at June 2004) still backlogged but not as far as in previous times.

- B. Miscellaneous Items**

- To improve service to consumers, Ms. Ciau noted the Board is providing information through the website on the processing status. The information will be updated on a weekly basis. It is projected the site will be up by the beginning of October.

- Ms. Ciau handed out a memo regarding computer based testing. The agreement with Experior has been extended for one year to allow the Board time to go out for bid to find a new vendor. A timeline was provided in the solicitation package. The contract includes a 30 day cancellation clause; however it was determined cancellation would be detrimental to the Board's testing process. The Board expressed their concern about the Board being a part of the selection process with the Department of Consumer Affairs. Ms. Ciau will follow up and ensure the Board will be an active participant in the selection of a vendor that will meet the Board's needs. Ms. Pederson questioned utilizing a computer company based outside of California.

- C. Update on Feasibility of a Quarterly Newsletter**

- Ms. Ciau presented information on the feasibility of the proposed quarterly newsletter to be put on the website. Two areas of responsibility need to be determined: the commitment of the Board and a possible editor. She asked for comments from the Board regarding the newsletter. Mr. Hedges commented on encouraging shop owners to make the newsletter available in their shops. Mr. Lloyd was concerned about the costs. Ms. Pederson expressed her concern about printing of the newsletter; the Board losing control of how the newsletter will be handled. The Board agreed it was important the Board maintain control of the content. Dr. Condon recommended beginning with a letter-like format and expanding as funds become available. Staff was directed to talk with Board members on what they would like to see in the newsletter. The funds for the newsletter will be included in next year's budget. Mr. Hedges suggested the subcommittee establish timelines for articles, etc. Ms. Pederson

recommended keeping the newsletter quarterly so as not to overload staff; the Board agreed. Dr. Herron agreed with the quarterly newsletter but suggested adding updates as needed.

It was motioned to begin an online newsletter, interval times to be determined by the Board, and send copies to various publications with permission to print. The motion was seconded and passed by a unanimous vote.

- **Agenda Item #4, APPROVAL OF BOARD MEETING MINUTES**

There was a motion and a second to approve the minutes of June 20-21, 2004. The minutes were approved by a unanimous vote.

Dr. Condon noted the arrival of Board member Bonnie LaChappa to the meeting.

- **Agenda Item #5, 2004-2005 STRATEGIC PLAN AND OBJECTIVES**

Dr. Condon noted a strategic plan has been developed that puts a timeline on the goals and objectives identified by the Board. Ms. Ciau reported the objectives were developed as requested by the Board and timelines have been developed. She noted the Strategic Plan is very aggressive for the upcoming year and is going to take everybody's participation and commitment, Board members as well as staff. She noted subcommittees will take a very active role in meeting the objectives. Subcommittees will be utilized to make recommendations on policies and take to the Board for approval. Upon review, the Board agreed the plan was aggressive but was very organized to assist in completing the objectives. Ms. Ciau noted the Board has reports due to the Legislature by September 1, 2005 in response to the audit. She suggested the reports be forwarded to the Legislature as they are completed to keep on top of this requirement. The Board agreed. Ms. Ciau noted a couple of reports will not be completed by September 1, 2005; she cited the 1600 hour requirement, which requires an occupational analysis be completed. The analysis is identified in the budget but has not yet been started. Dr. Condon requested a copy of the survey that had been sent out to be provided to the Board members.

- **Agenda Item #6, NOMINATION OF NEW MEMBERS TO SUBCOMMITTEES**

Mr. Lloyd expressed interest in the Legislature and Budget, and Examination and Licensing subcommittees.

Ms. Pederson expressed interest in the Enforcement and Inspection, and Consumer Education and Outreach subcommittees.

A motion was made to appoint the new members to the specified committees, a second was made. The motion carried unanimously.

- **Agenda Item #7, REPORT ON THE INSTRUCTOR STANDARDS TASK FORCE**

The Instructors Standards Task Force was formed three months ago in response to legislation which required a study to look at the minimum qualifications for instructors. The instructor license

would sunset on January 1, 2005 without legislation to resurrect the license. To date, two meetings have been conducted of the task force. Public input has been taken and reviewed. Dr. Condon reviewed the task force. Concerns were addressed including continuing education to enhance skills. It was agreed higher qualifications are needed beyond the Certification Program. Mr. Lloyd also commented on the task force. The task force's goal is to have a proposal ready to put forward at the November meeting, open for public comment. All agreed teacher qualification was very important and certification only was not enough. Mr. Lloyd added there were concerns about the effect on smaller schools. Dr. Condon agreed it was important to not do something that would damage a school's ability to do business and get instructors.

Dr. Condon opened the subject for public comment.

May Lee, from Skyline College, clarified the handbook states 3 years of experience are required. She recalled a concern that was brought up regarding teachers without high school diplomas. Dr. Condon stated she believed a 10th grade education was required. Ms. Lee reported on disappointment she has heard from her students when they have been promised by smaller salons that they would be helped in furthering their education and the owners have not come through.

A member of the public asked how the continuing education and certification is enforced. Bonnie Manley explained her knowledge of the process.

May Lee asked about aesthetic licensed teachers who wanted to teach cosmetology. All agreed this was a big concern.

Bonnie Manley requested the draft proposal be put on the website for the public's review. Dr. Condon agreed this was important.

Steve Handler a long time business owner, expressed his support for additional education for Cert holders and continuation of an instructors license. Working skills versus book knowledge was discussed.

Jan Ryan, member of the task force, noted the fear of private schools about the task force putting together a long list of requirements that they feel are unattainable. She noted teaching cosmetology requires different skills than performing cosmetology. She recommended encouraging support from all areas of the profession.

A member of the public asked if the requirements would affect new teachers or all teachers. Mr. Lloyd discussed the task force's discussion of a grandfather clause. Jan Ryan suggested the long time teachers should be checked on to ensure they are up to standards.

Bonnie Manley noted most schools teach to pass the test, not to teach. She supported minimum qualifications.

Rosa Quintero felt there should be a way to check if a teacher is doing what they are supposed to be doing. Dr. Herron commented they cannot regulate good business. If an instructor is not doing their job, they should be disciplined.

Jerry Hansen suggested the schools be investigated who have a large number of students who do not pass the test.

Cindy Marks, did not believe a 10th grade education was sufficient to be a teacher.

Le Nguyen noted the Board should make available the school's pass rates so students could choose; they have not been updated since 2001. Ms. Ciau indicated the pass rates will be updated on the website, as well as disciplinary actions.

Dr. Condon thanked the public for their input.

- **Agenda Item #8, LEGISLATION AND REGULATIONS**

- A. Complaint Disclosure**

Ms. Ciau discussed the regulatory language regarding complaint disclosure. Ms. Ciau recommended the Board allow staff to review all processes in the enforcement program and then make a further recommendation on the proposed regulatory language to the enforcement subcommittee. The enforcement subcommittee would then determine if the proposal should go to the Board for approval. The Board approved Ms. Ciau's recommendation.

- B. Citation Regulations** – None to discuss at this time.

- C. Other Regulations** – It was noted draft regulatory language for licensure by endorsement and aggregate scoring were approved by the Board at the last meeting. The draft packets have been completed and should be finalized for review by the end of October. Regulatory hearings may be held in the first quarter of the calendar year.

- D. Legislation** – The Board was given the language for AB2168. AB2168 allows the Board to collect fees on the initial and renewal licensing for instructors. The bill also allowed the Board to extend the instructors license for one more year while the instructor standards were reviewed. Legislation was passed last year to repeal the instructors license January 1, 2005 to 2006. As of January 1, 2005, the Board will not be issuing initial renewal instructor licenses. Legal counsel is researching whether anyone holding a valid instructor license will automatically cancel on December 31st.

Dr. Condon questioned whether the Board will be reviewing the citation schedule. Ms. Ciau noted it is included in the Strategic Plan.

Dr. Herron questioned the language about the need for instructors licenses. Dr. Condon expressed her concern that cosmetology students deserve as much protection of their education as students at any other profession in the state. Dr. Condon emphasized the importance of teacher quality.

- **Agenda Item #9, REVIEW AND APPROVAL OF STATEMENT OF FACT CERTIFICATE FOR OUT OF COUNTRY MANICURING STUDENTS**

Mr. Balingit discussed the background of the issue with the Tokyo Nail Institute, as discussed at the September meeting. Their students would like to come to the United States, pass a mock examination and be issued a California license. They would then return to their country. Mr. Balingit noted when a *Statement of Fact* Certificate is issued, you are certifying that the student

has met all California requirements. Mr. Balingit did not feel the regulatory process is in place. He also believed it brings the Board's credibility into question, telling people in Japan the students are certified when they actually are not certified. Mr. Balingit recommended the students apply and take the regular examination. However they cannot be issued a license because of Business and Professions Code Section 30 which requires they have a social security number before they are allowed to practice in California. In summary, the Japanese students could be allowed to come to take the examination in California like other students.

Dr. Condon clarified the certificate is not a license. Also, staff would only schedule these individuals within our testing schedule, providing there are any open opportunities. Dr. Condon believed this program was good for business in California.

Mr. Balingit agreed the proposal was a valid one, encouraging student interchange.

Ms. Ciau presented a draft *Statement of Fact*. The language has been reviewed by Legal Counsel, clarifying the Statement is not a license to practice. It was recommended a member of the Board sign the Statement.

Dr. Condon opened the subject for public comment.

Ardith Melzer addressed the color of the certificate. She recommended they not be the same as a regular license so they would be easy to distinguish. The Board agreed.

Mr. Handler noted his school issued Certificates of completion which his students took to Mexico to practice manicuring. He asked if that had been considered by the Board. Dr. Condon stated it had been determined the Statement should come directly from the Board.

An unidentified member of the public noted the scheduling of the exams will need to be made well in advance of the students' arrival.

Mr. Balingit noted only the curriculum of the Tokyo Nails Institute had been approved by the Board. It was noted there is no expiration date of the Statement at this time.

A motion was made to approve the Statement of Fact Certificate. It was seconded and approved by a unanimous vote of the Board.

- **Agenda Item #10, PUBLIC COMMENT**

Toni Gama, Director of San Diego Cosmetology Apprenticeship Committee, brought a couple of issues to the Board's attention. She noted at this time the San Diego Apprenticeship Committee is only approved for cosmetologists. The pre apprentice training program can include barbers and cosmetologists. The closest sponsors for barbers is in Orange County. There is confusion as the Board staff has been instructing them to have Toni Gama sign as barber sponsors, which they are unable to do. She questioned why are they being told they have to go to the next sponsor when they in fact are applying to the State Board in full application. There is great confusion. Dr. Condon encouraged Ms. Gama to work with Ms. Ciau on this issue. She also assured her the Board will be looking into the issue in the near future as well.

Ms. Gama was concerned why 90 day extensions are no longer authorized. Ms. Ciau noted legal counsel is currently reviewing this issue.

Ms. Gama spoke on AB2743 regarding preapplying apprentices. She has been preapplying student and is now getting denied. She questioned why it would take over a year to pass in regulation, when it had passed in law. She asked the Board to expedite this issue. Dr. Condon indicated this issue was included in the Strategic Planning.

Steve Handler, Local 324, noted his organization has been preapplying students and have not been denied. He asked the Board to look at the regulation. Dr. Condon agreed.

Bonnie Manley complimented the Board and staff for getting the examinations scheduled and completed in a timely manner. She expressed concern over the enforcement issue. If a student has a record there is a major delay in taking the exam. Their infraction could be minor or occurred long ago. She asked the Board to find a mechanism to speed up the process.

Le Nguyen questioned when his students try to renew their license the State Board does not have the proof they need and they ask for duplicate information.

- **Agenda Item #13, AGENDA ITEMS FOR NEXT MEETING**

It was determined that the agenda items for the next Board meeting should be instructor standards review; staff report back on review of process for complaint disclosures if available; progress of occupational analysis, time constraints on staff as a result of legislation report requirements; details on newsletter; defining issues in apprenticeship area (review to begin October 1st, in coordination with the Department of Industrial Relations); coordination of subcommittee meetings in the next calendar year (instrumental in completing objectives).

Dr. Condon recessed for lunch at 12:15, to be reconvened at 1:15 p.m.

- **Agenda Item #14, DECISIONS ON REINSTATEMENTS AND DISCIPLINARY CASES [CLOSED PURSUANT TO GOVERNMENT CODE SECTION 11126 (C)(3)]**
- **Agenda Item # 15, ADJOURNMENT**

The meeting was adjourned at approximately 3:30 p.m.